

Committee on Resources

Subcommittee on National Parks and Public Lands

Witness Statement

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Utah Congress of Parents and Teachers

House Committee on Resources

Subcommittee on Parks and Public Lands

Hearing on H.R. 3035

Utah Parks and Public Lands Wilderness Act

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Thank you for the opportunity to testify today. My name is Paula Plant, and I currently serve as the Utah Conference of Parents and Teachers' advocate and representative in matters involving Utah's state school trust lands. Prior to taking this position, I served as the Utah PTA's Legislative Vice President.

The Utah PTA requests that the Subcommittee on Parks and Public Lands do two things as it considers the Utah Parks and Public Lands Wilderness Act:

First, the Subcommittee should amend the bill to provide for the prompt and unconditional exchange of all school trust lands out of areas designated as wilderness, as soon as exchange negotiations between the Department of the Interior and the State of Utah are completed.

Second, the Subcommittee should keep in mind the impact on public education in Utah that failure to resolve the wilderness issue has caused, through the capture of hundreds of thousands of acres of school trust lands within restrictively managed federal wilderness study areas. Until Congress acts, this unacceptable situation will continue indefinitely. Bringing some closure to the wilderness debate in at least one area of Utah - as H.R. 3035 would do - is a step in the right direction.

The decisions that Congress makes with respect to these issues will have a tangible effect upon public education in Utah. Over 120,000 acres of state school trust lands are located within the various areas being proposed for wilderness in H.R. 3035. These trust lands were granted to our state by Congress at statehood for the express purpose of providing funding for Utah's public schools, and both federal and state law require that the lands be managed to generate income. Revenue from trust lands -- whether from grazing,

forestry, surface leasing, or mineral development -- is placed in the State School Fund, a permanent income-producing endowment created by Congress in the Utah Enabling Act for the support of the state's public education system.

Under recent state legislation supported by the Utah PTA, all investment income distributed from the State School Fund will go directly to individual public schools, to be allocated by parents and teachers at each school for their most critical academic needs. In a state with the lowest per capita education budget in the nation, every penny of this money will make a difference.

In past years, revenue from the school trust lands has not provided a large share of Utah's education budget. One reason for the shortfall has been federal land use practice. The majority of school trust lands consist of one square mile sections scattered in checkerboard fashion among surrounding federal lands. When the United States, through Congressional or administrative action, places the federal lands off limits to development for conservation reasons, the inheld trust lands lose much of their economic potential. For most of this century, school trust lands were trapped within various national parks, monuments, and forests in Utah, with little effort made by the federal government to exchange the inholdings for useable federal lands elsewhere.

Happily, the last Congress solved a large part of this problem with the passage of Public Law 105-335, the Utah Schools and Land Exchange Act of 1998. That statute exchanged hundreds of thousands of acres of school trust lands out of national parks, forests, reservations and, of course, the Grand Staircase-Escalante National Monument. P.L. 105-335 represented a true win-win situation. The United States obtained full ownership and control of the lands within park and monument boundaries, without the ongoing threat of incompatible development on inheld trust lands, while the State of Utah received federal lands that could be used for economic purposes without controversy or environmental impact. Members of the Subcommittee from both parties, Governor Leavitt, Secretary of the Interior Babbitt, and their staffs all worked to make this legislation a reality, and the PTA thanks them again for their good work.

We are here today, however, to talk about wilderness. The issue of inheld school trust lands remains a major problem with respect to Utah wilderness. Since 1991, 3.2 million acres of BLM land in Utah have been set aside in wilderness study areas, which by law must be managed in a manner that precludes almost all economic activities. Over 300,000 acres of school trust lands have been trapped within these WSAs since that time, and our state's trust lands administrators have seen many active mineral prospects on these lands abandoned as industry gave up hope of ever being able to develop the lands due to restrictions on access and use of surrounding federal lands. In the intervening years, Congress has been unable to resolve the basic issue of which BLM lands in Utah should be designated as wilderness, and which should be released to multiple use, and the inheld trust lands have remained trapped. Current proposals to expand WSA status on an additional 2.6 million acres of federal land would capture several hundred thousand additional acres of state school trust lands in new or expanded WSAs.

H.R. 3035 proposes the designation of approximately 1 million acres of BLM land in one portion of Utah - the Basin and Range area of western Utah - as wilderness. Approximately 120,000 acres within BLM wilderness areas that would be created by the bill are school trust lands. As currently drafted, H.R. 3035 does not contain language providing for the exchange of these trust lands.

It is our understanding that Department of the Interior and BLM staff are currently working with Utah Governor Leavitt's office and the Utah School and Institutional Trust Lands Administration to reach a mutually acceptable "land for land" exchange proposal. The PTA appreciates the willingness of all of these

people to work cooperatively to develop a successful exchange. The Utah PTA, and those in the Utah education community for whom I am speaking, strongly urge the Subcommittee to promptly amend H.R. 3035 to authorize this exchange once negotiations between the United States and the State are completed. No wilderness legislation should be enacted that does not contain "up front" exchange provisions.

In doing so, the PTA believes that the Subcommittee should consider several valuable lessons learned from the P.L. 105-335 exchange:

- Exchange of school trust lands out of wilderness and WSAs is a good decision on environmental grounds. The PTA strongly supports the role of school trust lands in providing financial support to Utah's schools. At the same time, our members are citizens as well, who enjoy and appreciate our state's beautiful wild areas. The existence for many years of school trust lands within WSAs has been a great frustration to us, as fulfillment of the State's legal duty to provide revenue to the schools - which would require sale or development of these lands - is in direct opposition to preservation of the lands. The State of Utah has so far taken the high road, and for many years sought an exchange such as the one that is now being negotiated, rather than systematically developing or selling lands within WSAs. In future years, that might not prove to be the case. A legislated exchange would end the threat of potential development within proposed wilderness.
- An exchange can have substantial economic benefits not only for public education, but also for the counties in which lands are exchanged. As I have discussed, the existence of WSA status surrounding inheld school trust lands makes economic development of those lands difficult and controversial. In any exchange, the State of Utah would seek to acquire lands that had higher potential for economic development. Market-oriented management of the exchange lands by the State would provide increased tax revenue and employment opportunities to the counties involved.
- The negotiated "land for land" exchange approach being followed by the Department and the State of Utah is a good way of reaching consensus on the specific lands to be exchanged and valuation issues without imposing large transaction costs on the parties. Our experience with prior exchanges where Congress required a formal appraisal process was that this approach invariably led to conflict -- a battle of the appraisers -- rather than consensus, all while costing millions of dollars. The current approach is equally fair to both parties, while much more efficient, and we urge the Subcommittee's support once an exchange agreement is finalized.

In closing, the education community recognizes that H.R. 3035 is controversial. Some local county governments believe that the bill would create too much wilderness in western Utah. Members of the environmental community believe that it would create too little. It is not the role of the PTA to judge the exact acreage of wilderness in Utah that should be designated by Congress, and the PTA does not take a position on the appropriate final acreage figure. We do, however, urge the Subcommittee to consider how long the BLM wilderness debate has kept hundreds of thousands of acres of Utah school trust lands in limbo. The Utah Congress of Parents and Teachers urges Congress to bring closure to this issue. H.R. 3035 is a step in that direction.

Thank you for the opportunity to testify today.

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